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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/665,780	09/20/2000	Herman Chien	1999-0804	6102

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EXAMINER

NGUYEN, DUC MINH

ART UNIT PAPER NUMBER

2643

DATE MAILED: 11/30/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/665,780

Applicant(s)

CHIEN, HERMAN

Examiner

Duc Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_.

**DETAILED ACTION**

***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ensor et al (5,721,780) in view of Hartmaier (6,553,022).

Consider claim 1. Ensor teaches a network (fig. 1) that utilizes a modem (step 300, figs. 3) for processing calls made through the network, comprising a server (service bureau 108, figs. 1 and 3; column(s) 3, line(s) 31-50; column(s) 4, line(s) 51 to column(s) 6, line(s) 6); a search module (transaction manager 114, figs. 3) for searching a database (112, figs. 3). Ensor, however, does not teach a billing aggregator module, a correlating module and a billing module.

Hartmaier teaches a billing aggregator module, a correlating module and a billing module (col. 4, ln. 54 to col. 6, ln. 10; especially col. 5, ln. 50 to col. 6, ln. 10).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize the teachings of Hartmaier into the teachings of Ensor in order to allow for revenue sharing between the data network service providers and the company operating the nodes which provided the physical connection to the data network.

Consider claims 2-4. Hartmaier's fig. 1-3, and col. 4, ln. 54 to col. 6, ln. 10 read on the limitations of claims 2-4.

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Consider claims 5, 9, 13, 17. Ensor further teaches the network comprises a wireless network (column(s) 3, line(s) 31-50).

Consider claim 6. Ensor teaches a network (fig. 1) that utilizes a modem (step 300, figs. 3) for processing calls made through the network, comprising a server (service bureau 108, figs. 1 and 3; column(s) 3, line(s) 31-50; column(s) 4, line(s) 51 to column(s) 6, line(s) 6); a search module (transaction manager 114, figs. 3) for searching a database (112, figs. 3). Ensor, however, does not teach a billing aggregator module, a correlating module and a billing module.

Hartmaier teaches a billing aggregator module, a correlating module and a billing module (col. 4, ln. 54 to col. 6, ln. 10; especially col. 5, ln. 50 to col. 6, ln. 10).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize the teachings of Hartmaier into the teachings of Ensor in order to allow for revenue sharing between the data network service providers and the company operating the nodes which provided the physical connection to the data network.

Consider claims 7-8. Hartmaier's fig. 1-3, col. 4, ln. 54 to col. 6, ln. 10 read on the limitations of claims 7-8.

Consider claims 10-12. Ensor teaches a network (fig. 1) that utilizes a modem (step 300, figs. 3) for processing calls made through the network, comprising a server (service bureau 108, figs. 1 and 3; column(s) 3, line(s) 31-50; column(s) 4, line(s) 51 to column(s) 6, line(s) 6); a search module (transaction manager 114, figs. 3) for searching a database (112, figs. 3). Ensor, however, does not teach a billing aggregator module, a correlating module and a billing module.

Hartmaier teaches a billing aggregator module, a correlating module and a billing module (col. 4, ln. 54 to col. 6, ln. 10; especially col. 5, ln. 50 to col. 6, ln. 10).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize the teachings of Hartmaier into the teachings of Ensor in order to allow for revenue sharing between the data network service providers and the company operating the nodes which provided the physical connection to the data network.

Consider claim 14. Hartmaier further teaches the user places a telephone call via a modem pool (modem pool 210 or 260; fig. 2).

Consider claims 15-16. Ensor teaches a network (fig. 1) that utilizes a modem (step 300, figs. 3) for processing calls made through the network, comprising a server (service bureau 108, figs. 1 and 3; column(s) 3, line(s) 31-50; column(s) 4, line(s) 51 to column(s) 6, line(s) 6); a search module (transaction manager 114, figs. 3) for searching a database (112, figs. 3). Ensor, however, does not teach a billing aggregator module, a correlating module and a billing module.

Hartmaier teaches a billing aggregator module, a correlating module and a billing module (col. 4, ln. 54 to col. 6, ln. 10; especially col. 5, ln. 50 to col. 6, ln. 10).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize the teachings of Hartmaier into the teachings of Ensor in order to allow for revenue sharing between the data network service providers and the company operating the nodes which provided the physical connection to the data network.

Consider claim 18. The method as taught by Ensor in view of Hartmaier is inherently performed for each of multiple users of the network who would like to access an ISP via a modem pool.

### ***Conclusion***

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3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Duc Nguyen whose telephone number is 703-308-7527. The examiner can normally be reached on 7:00AM-3:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Curtis Kuntz can be reached on 703-305-4708. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-6000.



Duc Nguyen

Primary Examiner

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11/25/04